

Congress of the United States
Washington, DC 20515

March 17, 2005

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Mr. Walden W. O'Dell
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Mr. Brett Rapp
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Xenia, OH 45385

Mr. Jack Gerbel
President, UniLect Corp.
7080 Donlon Way, #200
Dublin, CA 94568

Dear Sirs and Madams:

As you are no doubt aware, we have recently concluded the second consecutive presidential election riddled by voting irregularities and controversies. Numerous of the complaints involved voting machines, including a computerized voting machine in the Gahana precinct of Franklin County which recorded a total of 4,528 votes for President Bush when there were only 800 registered voters in the precinct, and numerous voting machines in Youngstown, Ohio that recorded Kerry votes for Bush.¹ In Cartaret County, North Carolina, more than 4,500 votes were lost because officials mistakenly believed a computer that stored ballots electronically could hold more data than its capacity.² Our interest stems not from a need to rehash the November 2004 election but instead to cure the growing distrust of Americans in the institution of voting.

In the aftermath of the most recent election the public's concerns were so serious that Members of the House and Senate joined together to challenge the certification of the electoral results. Since that time, more than a dozen bills have been introduced in the House and the

¹See generally, Democratic Staff of the House Committee on the Judiciary Status Report, *Preserving Democracy: What Went Wrong in Ohio (Jan. 2, 2005)*, http://www.house.gov/judiciary_democrats/ohiostatusrept1505.pdf

²"Machine Error Gives Bush Extra Ohio Votes," Associated Press, November 5, 2004.

Senate, by both Democratic and Republican Members, proposing voting reforms to restore our citizens trust in our democratic process.

While the legislative process is important, we believe that election machine companies have an independent moral obligation to help safeguard the integrity of our elections. As a result, we would ask that every election machinery and servicing firm voluntarily accept the following principles:

1. **Verifiable Paper Ballot to Enhance Trust in Vote Tallies** – It is imperative that you create voting systems which allow for an independent means of voters verifying their votes, and provide for a paper trail which allows all ballots to be independently counted (consistent with the rights of the disabled community). This will protect against miscast votes and help mitigate widespread fears and concerns regarding vote tampering and manipulation.
2. **Auditability of Machines to Enhance Trust in Voting Technology** – It is also important that voting machines be auditable in order to ensure they are properly functioning and accurate. After the most recent election, many public officials simply explained away machine errors by saying that nothing could be done about it. Adopting this principle will insure that public officials can work to find and eliminate machine errors in the future.
3. **Non-Partisan Operation of Election Firms** – It is critical that your companies, do not make contributions to federal, state, or local candidates or otherwise engage in partisan political activities. The public needs assurance that our election machinery companies do not have a stake or preferred candidate in the outcome of the elections they are or may become involved in.
4. **Open and Accessible Software Code** – It is also important that the election software you own and create be made available to the public on an open source basis. This will allow experts not associated with your firms to identify and help eliminate vulnerabilities in the software code. The open source model has worked quite successfully in other fields. In fact, Diebold, Inc., one of America's largest voting machine companies even currently advertises and sells open source ATM hardware and software.³

³ Diebold rolls out open-standards software at RDS, ATM marketplace.com, http://www.atmmarketplace.com/news_story_13998.htm, Nov. 4, 2002.

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For the sake of our democracy, we believe you have a moral and patriotic duty to help eligible voters participate in and trust our electoral process. That is why we are urging you to adopt these common sense principles as expeditiously as possible.

It is our very strong position and belief that only firms that abide by these principles should be entitled to federal funding. We will do everything in our power to encourage federal election officials to only allow the purchase of equipment from vendors who endorse and implement these principles.

We look forward to receiving a reply from you at your earliest possible convenience, and in any event, by no later than April 15, 2005 with respect to your reaction to this letter. We may be contacted through the House Judiciary Minority Staff, Perry Apfelbaum or Ted Kalo, tel. 202-225-6504, fax 202-225-4423.

Sincerely,




John Conyers, Jr.

Maxine Waters



Jim McDermott



Marcy Kaptur



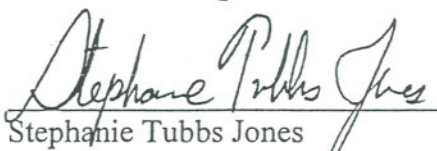
Sam Farr



Sheila Jackson Lee



Rick Boucher



Stephanie Tubbs Jones



William D. Delahunt



Lynn Woolsey



Barbara Lee



Corrine Brown

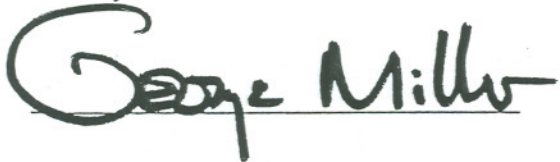
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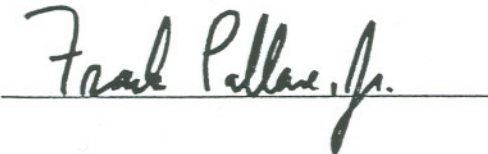

Bennie Thompson

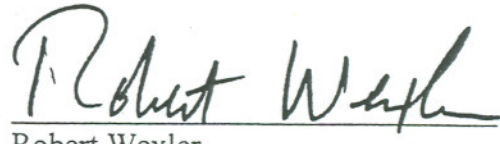

James Oberstar

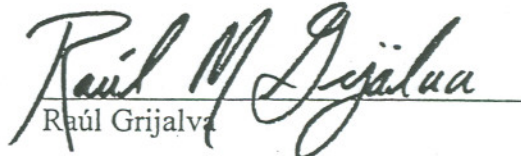

Elijah Cummings


Barney Frank


George Miller


Frank Pallone, Jr.


Robert Wexler


Raúl Grijalva


Donald Payne


Judd Hooper


Bill Pascrell